

position, the support members provide support to the neonate to facilitate the repositioning of the neonate. The device set forth in Claim 1 allows a user to reposition an infant to correct for poor positioning and alignment, which can cause poor outcomes and longer care for an ill neonate. Applicants could find no teaching or suggestion in Beger of support members which would aid in the positioning or alignment of a neonate. In contrast, Beger teaches using support members as retaining walls or barriers which are not meant to support the neonate, nor are they meant to aid in the repositioning of the neonate. Accordingly, Claim 1 is allowable over the cited reference.

Claim 15 sets forth at least two support members movable from a first position to a second position where the movement of at least one of the support members is capable of causing the position of the neonate to vary from a first posture to a second posture in response to the movement. Applicants could find no teaching in Beger of a support member being capable of causing the position of the neonate to vary when being moved. In contrast, Beger teaches that it is possible to simultaneously vary the shape and the size of the outer contour in the way desired, for example, square-rectangle. (See, Berger Figure 3, Column 4, lines 35-37.) There is no teaching or suggestion in Beger that the support members are movable such that they would be able to change the posture of an infant placed on the pad. Accordingly, Claim 15 is allowable over the cited reference.

Claim 17 sets forth a means for moving an infant from a first posture to a second posture without the aid of human touch being applied to the infant. The Examiner has indicated that the Beger reference discloses a condition where positioning of the neonate is accomplished without direct physical contact between a caregiver and the neonate. Applicants submit, however, that since the device in Beger is a rest pad for an infant and not a repositioning device, there is no teaching in the Beger patent which would lead one to the understanding that the Beger device would be used to reposition an infant without the need for human touch between the infant and the care-giver. Accordingly, Claim 17 is allowable over the cited reference.

Claim 18 sets forth a method for repositioning an infant. The method includes manipulating a support member between a first position and a second position to cause the infant to move from the first posture to a second posture. Applicants could find no teaching or suggestion in Beger that the rest pad in Beger was to be used to reposition an infant through manipulation of one of the support members. Accordingly, Claim 18 is allowable over the cited reference.

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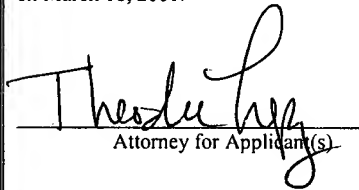
Claim 21 has been added to more completely claim the present invention. There has been no new matter added thereby. Support for new Claim 21 can be found throughout the specification and figures. Accordingly, Claim 21 is in condition for allowance.

Claims 2-14 depend from Claim 1 and are therefore allowable for at least the same reasons as Claim 1, as well as for the novel features which they add. Claim 16 depends from Claim 15 and is therefore allowable for at least the same reasons as Claim 15, as well as for the novelty which the claim adds. Claim 19 depends from Claim 18 is therefore allowable for at least the same reasons as Claim 18, as well as for the novel features which the claim adds.

CONCLUSION

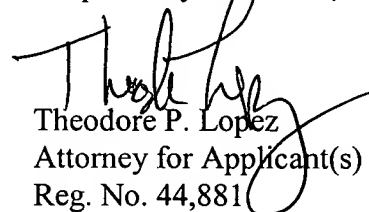
For the above reasons, pending Claims 1-19 and 21 are now in condition for allowance, and allowance of the application is hereby solicited. If the Examiner has any questions or concerns, the Examiner is requested to telephone applicants' attorney at 949-718-5200.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on March 16, 2001.


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3/16/01
Date of Signature

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ATTACHMENT A

In accordance with 37 CFR § 1.121(c)(1)(ii), this attachment provides marked up versions of the claims containing the newly introduced changes. Claims 1, 6, 15, and 17-19 have been amended as follows.

1. (Amended) A device for supporting and positioning a neonate, the device comprising:

a conformable member; and

a plurality of support members coupled to the conformable member, each support member being moveable from a first position to a second position, said support members when in said second position providing support to said neonate when said neonate is placed on said conformable member to facilitate the re-positioning of the neonate **[placed on the conformable member]**.

6. (Amended) The device of Claim 1, wherein the conformable member comprises a material having a density sufficient for cushioning the neonate **[infant]**.

15. (Amended) A positioning device for positioning an infant, the device comprising:

a substantially conforming member;

at least two support members coupled to a portion of said conforming member to define a torso area thereon, each of said support members being moveable from a first position to a second position, movement of at least one support member capable of causing

the position of the neonate to vary [the infant being repositioned] from a first posture to a second posture in response to the movement **[of at least one of the support members]**.

17. (Amended) An infant positioning device comprising:

means for **[moving]** an infant from a first posture **[position]** to a second posture **[position]** without the aid of human touch being applied to the infant.

18. (Amended) A method for repositioning an infant, the method comprising:

placing **[positioning]** an infant on a conformable member **[positioner]** in a first posture; and

manipulating **[moving]** a support member between a first position and a second position to cause **[reposition]** the infant to move from the first posture to a second posture.

19. (Amended) The method of Claim 18, wherein said manipulating **[moving**

further] comprises minimizing human touch between the infant and a caregiver.